

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO WESTERN
DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:21CV22
)	
Plaintiff,)	JUDGE JACK ZOUHARY
)	
v.)	
)	
SHAFFER PHARMACY, INC.; THOMAS)	<u>REPORT OF PARTIES' PLANNING</u>
TADSEN; and WILSON BUNTON,)	<u>MEETING</u>
)	
Defendants.)	<u>JUDGE JACK ZOUHARY</u>

1. Pursuant to Federal Civil Rule 26(f) and Local Rule 16.3(b), a meeting was held on **March 17, 2021**, and was attended by: Angelita Cruz Bridges, Scott Dahlquist, Patricia Fitzgerald and Maryann McGuire as Counsel for Plaintiff; Rick Kerger as Counsel for Defendants Shaffer Pharmacy and Thomas Tadsen; and Chuck Boss as Counsel for Defendant Wilson Bunton.

2. The parties:

 x Have exchanged the pre-discovery disclosures (the actual documents -- not just the list) required by Rule 26(a)(1) and the Case Management Conference (CMC) Notice; or

 Have permission from this Court to delay disclosure until after the CMC.

3. The parties recommend the following track:

Expedited **x** **Standard** Complex

Administrative Mass Tort

4. Trial Month/Year: **April 2022** (15 months from filing if Standard Track).

5. This case **is** / ~~is not~~ suitable for a Settlement/Mediation Conference. If yes,

indicate if Court assistance is desired and how soon:

x **Shortly after CMC**

_____ After key discovery

_____ Other [describe]

6. The parties ~~do~~ / **x** **do not** consent to the jurisdiction of the United States

Magistrate Judge pursuant to 28 U.S.C. 636(c).

If you are consenting to the jurisdiction of the Magistrate Judge, please contact Chambers (419- 213-5675) **prior** to the CMC. A Consent to the Exercise of Jurisdiction will then be issued for signature by all parties and the case will be sent to the Magistrate Judge for the CMC and all further proceedings.

7. The parties agree that this case **x** **does** / ~~does not~~ involve electronic discovery. **(Counsel are reminded to review the default standard for e-discovery set forth in Appendix K to the Local Rules.)**

8. Recommended Discovery Plan:

a. Describe anticipated e-discovery (i.e., what ESI is available and where it resides; ease/difficulty and cost of producing information; schedule and format of production; preservation of information; agreements about privilege or work-product protection, etc.):

Any electronic communications between prescribers and patients, prescribers and

defendants, patients and defendants, and distributors and defendants, including emails, text messages, voice messages, and electronic copies of fax messages, etc.; Rx30 dispensing data; and ARCOS purchasing data. The production of patient health information is subject to the Court's Protective Order of January 25, 2021, Docket # 19. Unless otherwise agreed to, electronic discovery will be produced in the form in which it is ordinarily maintained.

b. Describe any anticipated discovery issues or potential problems:

9. Recommended cut-off for amending the pleadings and/or adding additional parties:

May 17, 2021.

10. Expert disclosures:

a. Names by: **July 1, 2021**

b. Reports by: **August 31, 2021, and
rebuttal experts reports by September 30, 2021.**

NOTE: Expert depositions require prior Court approval.

11. Discovery deadlines:

a. Liability: **October 29, 2021**

b. Damages: **October 29, 2021**

NOTE: No dispositive motions shall be filed without Court permission and only after: sufficient discovery has been completed that allows counsel to represent to this Court that counsel believe no disputed issues of material fact exist; and counsel have conferred with each other about the merits of such motion.

12. Recommended month/date for: telephone status with Court, or Joint Status Report filed by counsel: **September 1, 2021.**

13. Other matters for this Court's attention: **The parties have a strong preference for scheduling mediation as early as possible. April 2021 is preferred, or May if April is not feasible.**

Respectfully submitted,

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